

Notice of Allowability

Application No.

09/809,920

Examiner

J. Douglas Schultz

Applicant(s)

SATO, TAKA AKI

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the examiners amendment mailed February 9, 2004.
2. ☒ The allowed claim(s) is/are 1,2,5,12,16,22 and 101-106.
3. ☒ The drawings filed on 16 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on January 9, 2004, Alan Morrison requested an extension of time for 3 MONTH(S) and authorized the Director to charge Deposit Account No. 03-3125 the required fee of \$475 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 3, 4, 6-11, 13-15, 17-21, 23-and 100 have been canceled.

Claim 1 has been amended to read

1. (currently amended) An isolated nucleic acid molecule encoding a human Tumor necrosis factor Receptor-Associated Factor (TRAF) protein-interacting hereditary multiple extoses (TREX) protein which comprises the nucleic acid sequence set forth in SEQ ID NO:3.

Claim 2 has been amended as follows; "an DNA molecule" has been replaced with --a DNA molecule.

Claim 5 has been amended to read as follows:

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5. (currently amended) An isolated RNA molecule encoding a human Tumor necrosis factor Receptor-Associated Factor (TRAF) protein-interacting hereditary multiple extoses (TREX) protein which comprises the RNA sequence corresponding to that set forth in SEQ ID NO:3.

Claim 12 has been amended to read as follows:

The first occurrence of the word "The" has been replaced with --An--, "of claim 1" has been deleted, and the last occurrence of the word "an" has been replaced with --the--.

Claim 16 has been amended to read as follows:

16. (amended) An isolated nucleic acid molecule encoding a mutant homolog of the human Tumor necrosis factor Receptor-Associated Factor (TRAF) protein-interacting hereditary multiple extoses (TREX) protein comprising the nucleic acid sequence as set forth in SEQ ID NO:3 having a genetic alteration thereof selected from the group consisting of a 9-bp insertion between nucleotide 758 and nucleotide 759, a base substitution of nucleotide 1106 from G to A, a base substitution of nucleotide 1820 from A to G, and a base substitution of nucleotide 2408 from C to T.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Douglas Schultz whose telephone number is 571-272-0763. The examiner can normally be reached on 8:00-4:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on 703-308-0447. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Douglas Schultz, PhD


SEAN MCGARRY
PRIMARY EXAMINER
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